

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DONALD JEFFERSON Jr.,

Plaintiff,

v.

KATHY ALVES, *et al.*,

Defendants.

Case No. C06-5479RJB

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court is a motion for reconsideration of an order extending time (Dkt. # 54).

Local Rule 7 (h)(3) states that motions for reconsideration are “disfavored.” Prior rulings will not be reconsidered absent manifest error or “a showing of new facts or legal authority **which could not have been brought to its attention earlier with reasonable diligence.**”

On May 2, 2007, plaintiff moved to extend the time he had for responding to defendants motion for summary judgment until August (Dkt. # 49). Plaintiff had already been granted additional time to conduct discovery. One of the reasons for the extension of time was plaintiffs being in county jail and being separated from his files. Defendants opposed the motion but did not bring to

1 the court's attention the fact that plaintiff was returned to state custody on May 3, 2007 (Dkt. # 51).

2 Defendants response was filed May 16, 2007, over two weeks after plaintiff had been
3 returned to state custody. The fact that plaintiff had been returned to state custody would have been
4 relevant to the court in ruling on the motion to extend time. The court will not entertain a motion
5 for reconsideration on facts that could have been brought to its attention earlier with reasonable
6 diligence. The motion for reconsideration is **DENIED**.

7 The Clerk of Court is directed to send a copy of this Order to plaintiff and to counsel for
8 defendants.

9 DATED this 5 day of June, 2007.

10 /S/ J. Kelley Arnold

11 J. Kelley Arnold

12 United States Magistrate Judge
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